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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/084,327	02/28/2002	Yasushige Nakamura	000738a	8134

23850 7590 01/22/2003

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EXAMINER

RODEE, CHRISTOPHER D

ART UNIT	PAPER NUMBER
1756	8

DATE MAILED: 01/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Advisory Action</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/084,327	NAKAMURA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Christopher D RoDee	1756	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

THE REPLY FILED 10 January 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a)  The period for reply expires 4 months from the mailing date of the final rejection.
- b)  The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1.  A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2.  The proposed amendment(s) will not be entered because:
  - (a)  they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b)  they raise the issue of new matter (see Note below);
  - (c)  they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d)  they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3.  Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4.  Newly proposed or amended claim(s) \_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5.  The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6.  The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7.  For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 9, 11 and 13-32.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8.  The proposed drawing correction filed on \_\_\_\_ is a) approved or b) disapproved by the Examiner.

9.  Note the attached Information Disclosure Statement(s) ( PTO-1449) Paper No(s). \_\_\_\_\_.

10.  Other: See Continuation Sheet



CHRISTOPHER RODEE  
PRIMARY EXAMINER

Continuation of 2. NOTE: the proposed amendment to claim 11 raises new issues because the specific proposed structures of the apparatus has not been previously consid red. There is no showing why these specific units and means are prop rly submitted now and were not previously submitted .

Continuation of 5. does NOT place the application in condition for allowance because: the proposed change in the claims concerning the amount of toner having a molecular weight of 500 to 1000 would return the claims to the same condition as originally filed and would be subject to the same rejections as present in the first Office action. The passage on specification page 13 describes the method of determining the amount (or ratio) of various molecular weight components based on the total toner weight. The passage does not state the basis for the molecular weight values of 500 to 1000. If the discussion of measurement by GPC is sufficient to render the claims definite applicants are asked to provide an explanation.

The rejections of claims 11 and 32 over Hirao discussed in the response on page 8 is maintained for the reasons of record because the proposed amendment has not been entered. Additionally, Hirao's disclosure in col. 13, l. 45+ appears pertinent to the proposed amendments.

The rejections discussed on response page 9 through the middle of page 10 is maintained for the reasons of record. The referenes are sufficiently similar in their concerns as to render the combination of references obvious. See last Office action in the paragraph spannin pages 6 and 7. Contrary to applicants' remarks, the JP reference is specifically concerned with flash fusing (i.e., flash fixing) as seen in the Title and Abstract of that document. The rejection is maintained.

No specific remarks have been presented for the rejection beginning on page 8 over the EP reference and certain supporting references. This rejection is therefore maintained.

With respect to the rejection of the claims over Ohno or Ayaki, each in view of certain supporting references, the art clearly suggests benefits of flash fusing as discussed in the prior Office actions, apticularly the last Office action p. 10. These actions do set forth positive suggestions for the combinations and provide motivation to minimize the amounts of low molecular weight components in the toners.

Continuation of 10. Other: The proposed amendments to claims 14 and 24 concerning a "binder resin" and claims 15 and 25 concerning the amount of ethylene as R would be entered if submitted separately. The cancelation of claims 17 and 27 would also be entered if submitted separately from the amendment noted in item "2".